

REMARKS

The Examiner pointed out certain informalities in Claims 1, 18, and 20.

Applicant thanks the Examiner for pointing these informalities out, and has made the corrections the Examiner requested.

The Examiner rejected claim 1 under 35 USC § 102(a) as being anticipated by Jacobsen, et al (US6073034), alleging that “. . . Jacobsen teaches . . . the frame wherein at least one of the earphone speaker (230) and the virtual image display system are mounted on the frame for movement . . .

.[emphasis added]” In response, Applicant has amended claim 1 to more clearly define the invention, such that it now claims not merely “at least one” but “both” the “earphone speaker” and the “virtual image display system”; i.e. “. . . the frame wherein both the earphone speaker and the virtual image display system are mounted on the frame for movement to increase the distance between the earphone speaker and the optic through which the user looks . . .” (Claim 1, in the amendment currently presented, [emphasis added]). With this amendment, Applicant suggests that the Examiner’s rejection has been overcome, and Applicant respectfully

requests that this amendment be entered and that Claim 1 be allowed in its currently amended form.

Regarding claims 2-8: as these claims all depend from claim 1, which the Applicant submits is now in condition for allowance, the Applicant submits that claims 2-8 are now themselves in condition for allowance, and respectfully requests the same.

Applicant submits that claim 9 is therefore also now allowable for the same reason given above with respect to claim 1, and so Applicant respectfully requests that claim 9 now be allowed.

The Examiner objected to claim 10, but indicated that claim 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. This has been done, and therefore Applicant submits claim 10 is now allowable.

In rejecting claim 11, the Examiner stated:

“As can be seen in figures 8A and 8B, Jacobson shows the in use position (figure 8A) and a storage position (figure 8B) in

which optic [sic] is covered by the back wall of the frame (226) by pivoting the 226 portion of the frame (col. 12, lines 55-67)."

Applicant respectfully traverses the Examiner's statement. Contrary to the Examiner's statement, the optic in the cited Jacobson reference is not covered by the back wall in either figure 8A or figure 8B. In figure 8A the optic is not covered at all, and in figure 8b the optic is perpendicular to the back wall, not covered by it. Accordingly, Applicant respectfully suggests that claim 11 is allowable in its current form, and asks that the Examiner's rejection of Claim 11 be withdrawn.

Regarding claims 12-15: As these claims depend from claim 11, which Applicant has argued is in condition for allowance, Applicant further argues that these claims, too, are now in condition for allowance, and respectfully requests their allowance.

In rejecting claim 16, the Examiner stated in pertinent part that:

"... Jacobson shows . . . a linkage (286) connecting the display and the earphone together (col. 13, lines 52-59)." Applicant respectfully submits that the Examiner's statement is wrong, inasmuch as Jacobson certainly

does not show a “linkage (286)”; the element bearing that reference numeral is identified in Jacobson as “housing 286” (Col. 13, line 53) and as “docking element 286” (Col. 13, lines 64-65), but never “linkage (286)”. Thus, Applicant respectfully suggests that the Examiner’s rejection of claim 16 should be withdrawn, and that claim 16, in its original form, now be allowed.

Claims 17 and 18 should also be allowable, as they are dependent upon claim 16, which, as Applicant argues immediately above, is also allowable.

The Examiner rejected claim 19 under 35 USC §103(a) as being unpatentable over Jacobson in view of Budd (US6,360,104). With this amendment, claim 19 has been cancelled without prejudice, and so this rejection is now moot.

Claims 20-24 were objected to as being dependent on a rejected base claim; however, the Examiner indicated that the claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. This has been done, and so Claims 20-24 should now be allowed.

In light of the foregoing amendments and remarks, Applicant respectfully requests that that all remaining claims, as amended and currently presented, now be allowed.

Respectfully submitted,



Joseph F. Murphy
Reg. No. 36617
EPSTEIN, DRANGEL
BAZERMAN & JAMES, LLP
Attorneys for Applicants
60 East 42nd Street, Suite 820
New York, New York 10165
Tel. No. (212) 292-5390
Fax. No. (212) 292-5391